

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
JUDICIARY**

**Wednesday, May 24, 2006**

**10:30 a.m.**

**Room 308 House Office Building**

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The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

**MEMBERS PRESENT:** Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, McConico, Bieda and Virgil Smith.

**MEMBER ABSENT/EXCUSED:** Representative Lipsey.

**Representative Condino** moved to adopt the minutes of the **May 17, 2006** meeting. The motion was supported by **Representative Jones**. There being no objection, the motion prevailed by unanimous consent.

**Chairman Van Regenmorter** laid **HB 5879, HB 5880, HB 5881, HB 5882, and HB 5883** before the committee:

HB 5879	Vander Veen	Health; abortion; informed consent for abortion provision; revise to include intimidation and coercion screening.
HB 5880	Mortimer	Health; abortion; intimidation and coercive abortion prevention screening process; provide for.
HB 5881	Amos	Civil procedure; civil actions; civil action for violation of the coercive abortion prevention act; provide for.
HB 5882	Emmons	Crimes; other; coercive abortion prevention act; create.
HB 5883	Taub	Criminal procedure; sentencing guidelines; sentencing guidelines for violation of coercive abortion prevention act; enact.

**TESTIMONY**

**Tammy Holly**, representing Operation Outcry and herself, testified in support of the bills.

**Representative Vander Veen**, sponsor of HB 5879, explained her bill to the committee.

**Representative Emmons**, sponsor of HB 5882, explained her bill to the committee.

**Kathy Hagenian**, representing the Michigan Coalition Against Domestic and Sexual Violence, testified in opposition to the bills.

**Sally Smith**, representing herself, testified in support of the bills and submitted written testimony.

**Chairman Van Regenmorter** laid **SCR 39** before the committee:

SCR 39    Cropsey	A concurrent resolution to request the State Bar of Michigan and the National Legal Aid and Defender Association to issue a joint report to the Legislature on the number and types of cases and the costs resulting from court-appointed attorneys for indigent criminal cases in Michigan.
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### **TESTIMONY**

**Elizabeth Lyon**, representing the Michigan State Bar, testified in support of the concurrent resolution.

**Jim Shonkwiler**, representing the Michigan Public Defense Task Force, testified and did not indicate a position on the concurrent resolution.

The committee returned to the consideration of **HB 5879, HB 5880, HB 5881, HB 5882 and HB 5883**.

The following people submitted a card and did not wish to speak:

**Andrea Ragan**, representing Planned Parenthood, opposes the bills.

**Shelli Weisberg**, representing the ACLU of Michigan, opposes the bills.

**Kelly Hamilton**, representing MARAL Pro-Choice Michigan, opposes the bills.

**Shannon Nobles**, representing Planned Parenthood Affiliates of Michigan, opposes the bills.

**Macie Schriener**, representing Planned Parenthood Affiliates of Michigan, opposes the bills.

**Frank Cusman**, representing the American College of Obstetricians and Gynecologists (ACOG), opposes the bills and submitted written testimony.

**Representative David Law** moved to adopt the substitute **(H-1)** to **HB 5879**. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **14-0-0**.

### **FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Chairman Van Regenmorter** and **Representative Vander Veen** offered the following amendments to **HB 5879 (H-1)**:

1. Amend page 10, line 3, after the second comma by inserting "**VOLUNTARILY AND WILLFULLY**".

2. Amend page 12, following line 23, by inserting:

**"(I) DEVELOP, DRAFT, AND PRINT, IN NONTECHNICAL ENGLISH, ARABIC, AND SPANISH, THE NOTICE AS DESCRIBED UNDER SECTION 17015A(4) THAT IS REQUIRED TO BE POSTED AND PROVIDED TO THE PATIENT. THE NOTICE SHALL BE AT LEAST 8-1/2 INCHES BY 14 INCHES AND THE STATEMENT REQUIRED UNDER SECTION 17015A(4) SHALL BE PRINTED IN AT LEAST 44-POINT TYPE. THE NOTICE SHALL BE MADE AVAILABLE TO PHYSICIANS THROUGH THE MICHIGAN BOARD OF MEDICINE AND THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY AND MADE AVAILABLE TO THE PUBLIC ON THE INFORMED CONSENT WEBSITE DEVELOPED UNDER SUBDIVISION (G)."**

**Representative Nofs** moved to adopt the amendments. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **11-3-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Adamini and Bieda,

Nays: Representatives Condino, McConico and Virgil Smith,

Pass: None.

**Representative Adamini** offered the following amendment to **HB 5879 (H-1)**:

1. Amend page 10, line 15, after "**SEEKING**" by inserting "**OR NOT SEEKING**".

**Representative Adamini** moved to adopt the amendment. The motion was supported by **Representative McConico**.

The motion did not prevail by a vote of **5-9-0**.

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law and Rocca,

Pass: None.

**Representative Jones** moved to report **HB 5879** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **9-5-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law and Rocca,

Nays: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,

Pass: None.

**Representative Nofs** moved to adopt the substitute (H-2) to **HB 5880**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **12-1-1**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda,

Nays: Representative Virgil Smith,

Pass: Representative McConico.

**Representative Adamini** offered the following amendments to **HB 5880 (H-2)**:

1. Amend page 1, line 7, after "**HAVING**" by inserting "**OR NOT HAVING**".
2. Amend page 2, line 8, after "**SEEKING**" by inserting "**OR NOT SEEKING**".
3. Amend page 2, line 20, after "**SEEK**" by inserting "**OR NOT TO SEEK**".
4. Amend page 3, line 5, after "**SEEKING**" by inserting "**OR NOT SEEKING**".

**Representative Adamini** moved to adopt the amendments. The motion was supported by **Representative McConico**.

The motion did not prevail by a vote of **5-9-0**.

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law and Rocca,

Pass: None.

**Representative Stakoe** moved to report **HB 5880** with recommendation, as substitute (H-2). The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **10-4-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca and Bieda,

Nays: Representatives Condino, Adamini, McConico and Virgil Smith,

Pass: None.

**Representative Nofs** moved to adopt the substitute (H-2) to **HB 5881**. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Jones** moved to report **HB 5881** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **10-4-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca and Bieda,

Nays: Representatives Condino, Adamini, McConico and Virgil Smith,

Pass: None.

**Representative Schuitmaker** moved to adopt the substitute **(H-2)** to **HB 5882**. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Chairman Van Regenmorter** offered the following amendment to **HB 5882 (H-2)**:

1. Amend page 2, line 2, after "**HARASSED.**" by inserting "**AS USED IN THIS SUBDIVISION, 'COURSE OF CONDUCT' MEANS A PATTERN OF CONDUCT COMPOSED OF A SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS EVIDENCING A CONTINUITY OF PURPOSE.**".

**Representative Elsenheimer** moved to adopt the amendment. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **12-2-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Adamini, Bieda and Virgil Smith,

Nays: Representatives Condino and McConico,

Pass: None.

**Representative Adamini** offered the following amendment to **HB 5882 (H-2)**:

1. Amend page 1, line 5, after "**SEEK**" by inserting "**OR NOT TO SEEK**".

**Representative Adamini** moved to adopt the amendment. The motion was supported by **Representative Virgil Smith**.

The motion did not prevail by a vote of **5-9-0**.

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,  
Nays: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer,  
Jones, David Law and Rocca,  
Pass: None.

**Representative Nofs** moved to report **HB 5882** with recommendation, as substitute (**H-3**). The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **9-5-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer,  
Jones, David Law and Rocca,  
Nays: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,  
Pass: None.

**Representative David Law** moved to adopt the substitute (**H-1**) to **HB 5883**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer,  
Jones, David Law, Rocca, Condino, Adamini, McConico, Bieda and Virgil Smith,  
Nays: None,  
Pass: None.

**Representative Adamini** offered the following amendments to **HB 5883 (H-1)**:

1. Amend page 2, line 3, after “**SEEK**” by inserting “**OR NOT TO SEEK**”.
2. Amend page 2, line 4, after “**SEEK**” by inserting “**OR NOT TO SEEK**”.

**Representative Adamini** moved to adopt the amendments. The motion was supported by **Representative McConico**.

The motion did not prevail by a vote of **5-9-0**.

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,  
Nays: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer,  
Jones, David Law and Rocca,  
Pass: None.

**Representative Jones** moved to report **HB 5883** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **9-5-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law and Rocca,

Nays: Representatives Condino, Adamini, McConico, Bieda and Virgil Smith,

Pass: None.

The committee returned to the consideration of **SCR 39**.

**Representative Newell** moved to report **SCR 39** with recommendation. The motion was supported by **Representative David Law**.

The motion prevailed by a vote of **14-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Condino** moved to excuse Representative Lipsey from the committee. The motion was supported by **Representative Nofs**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:56 a.m.

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**Representative William Van Regenmorter, Chair**

**House Standing Committee on Judiciary**

Malika Abdur-Rashid

Committee Clerk

517-373-7256

1 Hour and 26 Minutes